The Free Press.

GEO. W. & G. G. BENEDICT.

EDITORS AND PROPRIETORS.

FRIDAY MORNING APRIL 20, 1866. THE WEEKLY FREE PRESS. THE BURLINGTON WREELT FREE PRISS IS DU No care and outlay will be spared to make it a reliable, interesting and valuable family journal.

unrivalled medium for advertisers. We desire to give additional attention to the in-Counties, in which our Weekly has a numerous cirwill forward us any items of interest.

Texas of the Wesker Fram Press-per year \$2 without a fight. In advance, and if not strictly in advance, \$1 to

The War Power still in Force.

We are glad to learn that President John-last work son has expressed the opinion that the course of the citizens of several Southern States towards the blacks, makes necessary the continued presence of the army to carry out the book. It is large and comprehensive in thought, clear in argument and style. What provisions of the Civil Rights bill and the the religion of Jesus Christ has already done in objects of the Freedmen's boreau, and that shaping governments and moulding the politics of the world, and what it is yet distinct to do, on a far larger scale, are here very clearly at present. If this be so, the Southern pointed out. The book has compass and grasp. maleontents and their Northern allies mis- Fuller has the book. interpreted the effect of the President's late Peace proclamation. They assumed that Congressional Honers to the Memory of the immediate consequence of that proclamation, would be the withdrawal of the Southern garrisons and the suspension of all military authority at the South, and they were inspirited thereby to mereased disloyalty and malice. But we are rejuced to believe that they "counted without their host." This is yet to be one country, in fact as well as in name, as safe and free to Southern man at the North; but the speedlest way to make it so, is not to remove all wholesome control, or the military force which reminds them which side whipped in

Monday the scene of an exhibition of drunkin which the drunken McDougall charged more remains for me to contribute. his colleague, Mr. Conness, with legislat-

After the scene was over the Senate very properly proceeded to agree to the appoint- ehar House resolution to prohibit the sale of as to where he would be found.

APPOINTMENT OF A NEW JUDGE OF THE U. S. legislator. SUPREME COURT -The President has nomi-Catron. Mr. Stansbury is a native of New sive with the grandeur of the nation, and York, who moved to Ohio, where he read be would build well and for all time. He law and has since practiced. He was an telt a pride in the splendors of the structure, fondly contemplated the time when the surrounding grounds should be enlarged. afterward supported Lincoln and sustained and believed in the end the world would the war. It is said he was the writer of the last veto message, and is a man of decided ability, but his confirmation by the Senate is doubtful. Indeed it is not impossible that the Schale may pass the House bill reorgan-might once more behold the rays of the iting the Supreme Court and reducing the morning sun glittering upon the majestic number of Judges to eight, in which case dome and illumining those halls wherein he there will not be any vacancy on the bench. bad long been so noted an actor! He was a modest man, and obeyed the Gospel precept.

Hon. A. Wailard of St. Johnsbury, Vt., "not to think of himself more highly than he ought to think," and esteemed others has written a letter in which be says that better than homself. Few who have spoken his appointment as one of the Vice Presi- so well have been able to content themselves dents of Montgomery Blair's wing of the appeared to underrate his own performances, andrew Johnson National Club was without his knowledge or consent. This makes speeches in pumphlet form, but he was genfive of the Vice Presidents who have disavowed all connection with this movement. he served in this House, belonging to the

old Whig party, the great radical abolitionist from Obio, Asntabula district, was also The New York News not only adopts the days found little favor anywhere, and here doctrine that the President must not execute encountered fercest hate and frequent viothe Civil Rights law it be deems it unconsti-tutional, but also recommends that the men on one occasion, when he had uttered some elected to Congress from the southern States unwelcome truths about the institution of enter the Capitol and take their seats, and if barbarous memory, one of those chivalric say movement is made to eject them, elet representatives rushed toward him, evidentthe President," it says, "send a detachment sprang at his side, ready to need the aggres-

> THE N. Y. TRIBUNE—The Tribune has well as the difficult duty of making up the widehed and lengthened its estumes, and erallinged its sheet till it is now larger than the larged its sheet till it is now larger than the with great discretion and fairness. Here has a lived and died.
>
> Mr. President, as we gather hope and wisdom even out of these sorrowful duties, let us remark that made a support that the good deeds, and not the linearing page. THE N. Y. TRIBUNE - The Tribune has well as the difficult duty of making up the | ward all," he has lived and died. larged its sheet till it is now larger than the with great discretion and narriess, here as the larged its sheet till it is now larger than the with great discretion and narriess, here as the larger in sheet till it is now larger than the with great discretion and narriess, here as the larger in the larger years, that make up the full sing for joy."
>
> Mr. Speaker, it is a glorious uning to live appearance. In fact, the Trainer now claims to be the largest daily in the world. The ability, enterprise and value as a journal of work of to-day for the greater leasure of the finity of the first make up the full the largering years, that make up the full the largering years, the largering years, the largering years, the largering years, the largering years are largering years. current events, of the Tribune, are conceded by all. We are bound to say, too, that with all its personal pulsusies and errors of judgment on minor points, when great princi- humblest of his obstituents, and he mided ples are involved you commonly know where hastre to his State and honor to the Nation. to find the Tribune, and no other New York daily has retained ourrespect more constant. In o, or those he takes while in the full en-

COLLECTOR OF THE PORT OF NEW YORK AND MINE Foot fortunate, as he was happy, in the U.S. Attorney - The President on Monday time of his death. Lafe was at its some, and nominated to the Senate for confirmation, Mr. Smythe, President of the Central Na- had not tired bimself nor was the world District of New York, vice Mr. Dickinson. it. The gates are wide open. Beautiful! Beautiful! Senator Foot was pre-eminent-

Lendon, C. W., on Monday, the supposed accomplice in the sevenfold Philadelphia murder was arrested. He gives his name as Charles McCutcheon. When arrested he turned pale and nearly fainted. The only discrepancy between the description of the murderer and the appearance of the prisoner is that instead of having lost a thumb his fore-finger is gone. Probst, the murderer already arrested, continues to tell the most conflicting stories about the affair, and says he was prompted by a desire of recenge, not taving been well treated, as well as by a desire to obtain money.

was the readiest min I have ever known to forget and forgive a seeming neglect or and the most of the whole while that his grave would be among his own people, whom he loved and who loved him se well. Mr. Foot's real greatness and the cause of his universal popularity I have not yet named. Some men are called great from a single great action; others by a few great form a single great action; of his great action; of his last thought whis his last even for his last thought whis his last thought who must be acuse of the Republic whom he loved and who loved him se well. Mr. Foot's real greatness and the cause of had labored so long and where

sia, and Italy to seize Venice from Austria.

The circulation of the Fast Parts expects that that war, for it is expensive in blood and of any paper is the region, and it is, therefore, an treasure. Diplomacy and treaty-making the world, or such as to be more likely to claimed, "Behold how they loved him." col sees of the various towns in this and adjulting that threaten war, and it may well happen friends, than those of the lamented Senator Mr. Foot, and our pursuits for many years Counties, in which our Weekly has a numerous circulation, and shall esteem it a favor if our readers two nations will be satisfactorily arranged. Without an enemy in the world, loving personal intimacy with him until the counties, in which our Weekly has a numerous circulation, and shall esteem it a favor if our readers two nations will be satisfactorily arranged. God and glowing with affection for all those m this case that the differences between the

pathos.

Remarks of Senator Edmunds.

and from the vast and majestic edifice which

has grown into stature and beauty under the

with those described in the sad but beauti-

"On earth they left no record in their day,

Mercy and instice had them in disdain.

ful passage in the divine comedy:

ly won the victor's crown.

Thus it has seemed to me that, on this sad

and more familiar tongues the praise of Mr

Fast in his character of Sen tor and legisla-

tor, and may fitly be excused from any phi-

losophical analysis, or estimate, or panegy-ric of him as compared with other eminent

men-leave to the future the task of fixing

with impartial exactness his place in the high Temple of Fame, among the heroes and

worthies who have gone before him to their

rest, and the rather, as my heart prompts

and fellow-citizen, dwell for a little space,

welfare, and to realize their wishes, upon his

to usefulness and influence only by the mer-

"The evil that men do lives after them

the great dramatist true, that

The "Shadow of Christianity," is the title of Friend, Farewell!

Senator Foot.

The enlogies on the late Senator Foot, pronounced in the Senate and House of Reprerentative on Friday, were exceedingly impressive and interesting, and form a tribute to his memory, of which the State may well be proud. We should be glad if our limits permitted us to publish them all at length, but that will be impossible. We give to day

their bones, but lives after them, ever growing, widening, elevating, never lost, and
casting its beneficent freits even into the lap

we all pray that our lives and our
deaths may be like his. Sately indeed has
my native State been stricken, her two most the Northern man at the South, as to the Mr. Elmunds' maiden speech, and shall make room for extracts from the others, bereafter.

Remarks of Mr. Morrill,

the war, from our turbulent Southern brethof our government has a State been called upon to moorn the loss of both its Senators at a single session of Congress. Vermont DISGRACEFUL.-The U. S. Senate was on weeps, for her Senators are not.

enness and foul innguage, which would have disgraced a beer-garden. An altercation Senator Foot, while others have so gener-My colleague (Mr. Woodbridge) has so arose between the two California Senators, ously acknowledged his worth, that little and sorrowful occasion, I may leave to other

ing for his own private interests Mr. Con- Mr. Foot occupied no mean rank. His noble ness excitedly replied that Mr. McDougall figure and fall toned voice at once arrested was not in a condition to know what he was attention. Never begradging preliminary doing, and that he was constantly a disgrace preparation, his specches were clear, forcible and well sustained to the end. His style to the Senate. Mr. McDougall pronounced never lacked elevation, and without being this a "lalsebood." Mr. C. rejoined that ornate was affluent and scholarly. Though this colleague dare not repeat that out of the Senate, to which the other rapping the desk.

Senate, to which the other rapping the desk. excitedly replied that he would, and went on | master who felt able to ride and guide the to tell a story so filled with profamity and storm he was creating. But his great as we mourn at his departure, upon his per-to tell a story so filled with profamity and storm he was creating. But his great sonal relations to his people, and upon his obscene language that the chair interropted strength lay in his absolute earnestness. His voice gave forth no uncertain sound. No long life of unblemished purity, and of cornal statement layer for one ever heard him speak and went away dial and earnest love for and pride in his naand silenced him. The excuse offered for one ever heard him speak and went away McDougall by his democratic friends is that side of the question he had esponsed. Havgiven by the Western squatter in his stateing satisfied his own judgment that he was
ment of his ministers "only fault"—viz: that right be embarked his whole soul and strainhe "mill swear when he is drunk." Com- ed every nerve in the effort to bring his au-dicoce to the same conclusions with himself. ment on such a proceeding is entirely super- He was both sincere and positive, and utter- it of his own vigorous but unaided endeavor ly incapable of guile or double meaning.—

His integrity, moral and political, was as firmly fixed as the mountains beneath whose shadow he was born, and there was never pil to teacher, from teacher to leader, and ment of a Conference Committee on the any doubt or speculation upon any question epoke, therefore, he brought to bear, not only cogent argument, but the influence of a true man-the weight of an experienced

It it be God loves those who are ready for

with mend and reputation as well as faith in

the grace of God undimmed, then was Sen-

highest ambition had ever coveted. He

to themselves.

Their affectionate sympathy of sentiment As chairman of the committee on public nated Henry C. Stansbury, as Justice of the buildings, he had for a long period taken a deep interest in the work of the Capitol experience. His idear was like took up, as if by instinct, the feelings of the people, and never failed to assert the people, and never failed to assert the people. tension. His ideas were liberal, co-extenall antagonism. And these qualities of his heart were not limited to geographical boundaries.

He believed in the exhortation-

"Serve thy country, and every other, And wherever man dwells find a brother Whom God hath related to thee."

So he was admired, and followed, and trusted by the masses of the people. Whenever he was called upon for assistance, he individualized the case of each applicant, and made it his own; his beart warmed and his face lit up with joy at the opportunity of assisting any, however hum-ble, of his fellow citizens, and hundreds and thousands will carry, through their lives, the pleasant remembrance of his grasp and smile, as he would dismiss them with encouragement and counsel. Thus he endeared bimself to men individually.

His sense of truth and justice was quie with speaking so unfrequently. He always and vivid, although his respect for singer opposition was perfect, and so he was no castly misled. Thus he obtained the confi dence and respect of these who could not gam his aid, as well as of those who were

His life was pure, generous and blameless, free from all shadow of suspicion or repreach; and all who knew him had faith in his fidelity to his principles, and to his State, against

all pressure and all temptation. And therefore, on all sides, there gathered around their earnest friend hearty, patriotiemen, the pride, the confidence and the affections of his would need to be a suffering and death entered a creation of the state of the suffering and death entered a creation of the state of the suffering and death entered a creation. fections of his whole people, who now mourn his loss as an individual bereavement, as does be who now addresses you, whose relations ly bent on masshief, and that Foot at once with that noble man were of such affectionate intimacy and good will as would make him fully turn away and ween rather than

ing of one or the other. The delicate as "with ensuity toward none, with charity to- hears me it gave witness to me, for I deliv

Mr. Foot was not a man of great originality. I am not aware of any great public into whose nostrile be breath the measure be originated. He did not take life. It is notice to have for the d much part in the general debates in the Sen-ate upon general subjects, but he was al ways in his seat, careful and watchful of all the present Cabinet, who served ten years with him in the Senate, said to me during Mr. Foot's sickness, that he never knew a man whose votes were always more consist.

To go abroad rejuicing in the joy of beautiful and well-created thin

be filled as high a space in the world as his More than once since I became his colleague he has mentioned the fact to me, that never tional Bank, to be Collector for the Port of tired of his prescues, but he seemed to see as with a heavenly vision a welcome await-ing him in the new world to which he was basteaing, and exclaimed, "I see it! I see the has mentioned the fact to me, that never before was Vermont represented in the Sental Samuel G. Courtney to be ing him in the new world to which he was basteaing, and exclaimed, "I see it! I see soil; and he seemed to dwell on the idea."

To see a beauty in the stirring leaf; To find caim thoughts beneath the wing soil; and he seemed to dwell on the idea. before was Vermont represented in the Sen- To find calm thoughts beneath the whispering

with great entisfaction.

During his illness and after he became ecased.

iy a large hearted man, nursing no ill-matured jealousies in himself nor in others;

Arrive Tuk Dekring Murderer.—At far less did he induige in any malice, and

State; of being buried under the shadow of London, C W , on Monday, the supposed forget and forget as seeming neglect or ac-

PROSPECT OF WAR IN EUROPE.—Prossia and Austria threaten each other with blows, the former being determined to appropriate Schleswig and Holstein, and the latter insisting on her share of the joint spoils. Other cruses, however, will have had no slight increases. dial salutations; no ill wind ever rippied even the surface of their intercourse, and the most genial and affectionate relations their love and respect for him. You saw were maintained up to the last moments of his life. His loss to his family is irreparable death here, where he had been so long, and was so well known and so highly relished every Friday morning, and contains the with Austria; those of Russia with Prusno solace save in the contemplation of the spected; but it was my fortune to be one of latest news; reports of Boston markets and Camsia; while France would be glad to extend bridge Cattle Market; full State, County and local her own boundary to the Rhine against Prus. sublimity of the dying Senator's Christian old home, and among the neighbors and as-intelligence; well selected Miscellany, &c., &c. No care and outlay will be spared to make it a reliable, interesting and valuable family journal.

The circulation of the Farz Parss exceeds that

tual war. for it is expensive in blood and

often treasured up and serve to prove the witnessed the deep gloom and sadness that strength of some ruling, possibly petty passion of the deceased, but rarely have the last

that filled so many eyes, as we infilled our often do wonders in driving away the clouds be forever engraved on the hearts of his Living in another part of the State from having been so different, I had never much who visited him in his last hours, with eyes became his colleague. From that time till still beaming with all their wonted brillian-his death we lived at the same house, and, The Shadow of Christianity —The Congregationalist thus speaks of Dr. Marsh's culated to touch every heart with wonderful shared their sentiments in the fullest manner. The infinite pains he took to make my Honored Senator, true Patriot, faithful position agreeable, to make me acquainted with the course and detail of business in the Senate; the proper offices and departments Mr. President: Were the aphorism of important for a man to know, and still every man is expected to find out for himself-was The good is often interred with their bones," what I did not expect from him, and probably should inte received from no other man. | morder was then called up. there would be little indeed left to remind But with his nature he could hardly have

us of him who has now so lately vanished avoided doing it.

The circumstant been given to various interviews and partings between him and valued friends, solemn continent of his labors; he would stand and affecting in their character and interest. A jury was empannelled, two jurors being I took my last leave of him on that same aftermoon before his death. I could not now ously, and two peremptorily, attempt to describe it, but I shall never for-Speak not of them, but look and pass away." get his affectionate language, or his solemn.

ediction at our parting. I mourn he lies and his memory would pass with his mortal ommon with all who knew him; but with distinguished sons, long for joint represent-Whatever then may be the sphere of use- atives in this body, where they represent tulness and good, to which a man is called, her with so much ability, aschalacs and or in which he moves, whether it be in the credit, both taken away by death, and loftiest regions of politics or ethics, or in near each other, that the stirring eller the cold and screne solitudes of abstract | the first blaw had hardly passed when the science, or in the judicial administration of other came God grant that these who have suraffairs, or in the humblest callings of humble vived and succeeded them may be enabled in life, be his work well and faithfully done, some degree to consists their virtues and be his mission filled to completion, he has usefulness to the State and people thus beearned an equal recompense, and has equal- reared!

Mr. Woodbridge's Remarks.

. Senator Foot was what we call a edmade man. I do not attribute to fine any particular credit for that. The term "soilmade man" is a much sibused one. comes to be a power reaches at atmosph per sonal effort. The acholar is sell-made hausting later and reflection. The reals chant and the artisan. That Senater For succeeded where a weak will would be er honor to the man. As a lawyer, Mr. Foot was not learned. As a statesman, h never sented upon new theories or venture upon untried paths. As a political con veloped old one with extraordinary power and yet, without question, he was one the safest statesmen and most judicious leg-

love of his country, and of man. Born to love of his country, and marching forward islators of the age. He did not resemble the mountain, Low ering to the shop, burren and meless tru whose summit is covered with the forest, an whose slopes wave with the yellow grain. He did not room the the terril

and example of republican social progress, the representative man, and all the people looked upon his success us their own, and est of earthly blossings, a loving, praying, felt in his advancement a triumph personal mind principles of reverence toward God, obedience to authority, and lete of trath. and through a long public life the great leading characteristic of his mind, and perhis devotion to truth; that high others truth which is grounded in the moral being and the fitness of things, lying back of an reaching down to the inner mature and ele-

"His word was good as his bond." No social or political combination or influence; cunning in-innator; no expectation of re-ward or place or power ever-shook the fruits

fulness of Solomon Foot. "Among innumerable fider, unm His loyalty he kept, his love, his real; Not number nor example with him wrought To swerve from truth or change his constant Though single."

Senator Foot was a patriotic man. He loved his land because it was his own

was no air so pure as that which swept about her accountains; no water so sweet as that which bubbled from her crystal springe; a grass so green as that which clothed her va keys; and he now lies beneath the shadow of her bills, where the wind sings his requiem and the solemn old pines stand as sentinels

when suffering and death entered almost ev-ery household, no wounded soldier, no weaping sister, no beart-broken wife or mother ever called upon Senator Foot in vain. Their wants were his wants. Their suffering was the President," it says, "send a detachment of federal troops to preserve order in the capitol." That is the latest manifestation of Democratic principles.

Sprang at his side, ready to meet the aggression and the aggression and the sprang at his side, ready to meet the aggression and the sprang at his side, ready to meet the aggression and the firm front of Mr. Foot awed the would-beausin, and he retired to his seat. Nobody, said Mr. Giddings, could don't the meansure of Democratic principles.

Sickness and in beauth, by tender and sympathizing coursel, and by active and effort, he labored for their relief, and we may trathfully say for him, "When the eye saw me then it biesed me. When the ear-

> in this world. When the Crester humened it forth in the perfection of its branty, the merning stars sang together for joy. It was made for man, the last exercise of creative power, for man made in the image of God, life. It is noble to live for the development

man whose votes were always more consist- Of beautiful and the sheen To love the voice of waters and the sheen early right than his.

He loved and honored Vermont; he was proud that it was the place of his birth.—

Living their life of music; to be giad In the gay sunshine, reverent in the storm;

Of God's deep wisdom in the natural world."

But more beautiful than life is the death of the Christian.

Mr. Foot from the commencement of his sickness seemed to feel that he would die, and when the final summons came he was

med more of | deed : his judgment was excellent; he had | lives of nobleness and duty. It is the pillar | Cross Examined. - The musical was a comof fire by night and cloud by day that safely guides us in our weary wanderings. Let us mark it well, so that when to us the last uread summons comes we each may-

> Go, not like the quarry slave at night Scourged to his dungeon, but sustained and soothed By an unfaltering trust, approach our graves Like one who wraps the drapery of his couch About him and lies down to pleasant dreams."

Chirtenden County Court.

Present-Hon, JOHN PIERPOINT, Chief

APRIL TERM, 1866.

Hon. WE. V. REYNOLDS, & Assistant Hon SAFFORD COLDY. | Judges.

POTTER RELEASED ON BAIL. ANOTHER MURDER CASE.

TRIAL OF WM. FAULKNER. Monday, April 16.

Court opened at 9 A. M. Application was made to the Court to fix an amount for bail in the case of Chas. H. Potter indicted under three counts for passfor everything, in short, the whole routine ang counterfeit money. Judge Pierpoint of Congressional drudgery, which it is so fixed the amount at \$500 for each indict-

The case of State vs. Wm. Faulkner for

Faulkner, it will be remembered, shot w The circumstances of his sickness and soldier named John Conly on the night of death were such that general publicity has the first of August last, on Water street, in this City.

A jury was empannelled, two jurors being

THE JUNE.

Philo Kenyon, Clark A. Rood, Francis E. Gale, W. E. Taft. C. Van Vleit, M. H. Hesford, G. R. Roberts, A. B. Allen, Dean Heaford. Buel H. Day.

Wm. G. Shaw, Esq., appeared for the State, and J. French and Henry Ballard, Esqs. for his muster from the army; it was kept in the corner behind the stave. Never knew of any

The indictment was read and the plas of this Ween I got hame that night, Faultuer not guilty entered. States' Autorney Engles- was arrested. Should think the door latch was by made a brief statement of the facts of the homicide to the jury, and a statement for using over the door, two on the door itself, the defence was made by Mr. French-

Am a physician, was called to attend a case at how thick, it was larger than the other; saw a fire. Micheant's, on Water street last August; between it and the woodpile; it had blood on it between it and the woodpile; it had blood on it

physical expanity; weighing 100 pounds at Ws. Fashenen-sworn.—Am over thereen Gentlemen of the least; he was about 25 years old. Unit was years old. Was at my father's house the night from the last one. Fashener till examination before the magistrate. Comby was killed. Comby and Quirk runs there.

ever since the company was made up here, was with him the night he was shot. He answered to two names, of John and Mike That night we left Mr. Lee's and went down Water street; Mr. Fankner came in the rear going into his own house, and told Conly to go away: he told hom to hush his noise; Faulkner went into his bouse and slammed the door in Conly's face who was following him. Then Conly struck or kicked the door; they had no words. He had nothing in his hand at one to bent him if he didn't go away; she came down the steps and went up north; Conly foldisappeared from my sight. We remained two looked round and kind of kicked the chairs or three minutes before Faulkner's slore spaned. I saw a gun in that man's hands inside: looked round and kind of kicked the chairs found; mother told him to go away, she didn't want him sround; he dain't go away at once, and as he three if the man fired, both fires with tiggether. Conly called to me and said he was three numbers of an hour he fired that he couldn't see when he rain arross the street.

Was found there accur in three weeks behave, he looked round and kind of kicked the chairs boy after running across the street that dark and he want him sround; he dain't go away at once.

Cross-examined—Think Conly and Quirk were there as much as a much as an hour in all; think it he couldn't see when he rain arross the street.

There is no report has forty three when he was three numbers of an hour before I run un was shot. I didn't believe him at first; then he was three quarters of an hour before I run up stepped to the woodpile and commenced to bleed, stairs; they stood on each side of the door, and I saw the size Couly picked up a piece of pine.

with the limbs cut off, not smooth; I saw nothing them at last; I was frightened at the time; they afterwards, and may naturally and probably mig else in Couly's hand; he three no other pushed him once; when the door was opened, have been brought by some one of the crowd sick, hain't time; he was taken into the pushed him once; when the door was opened, story, hain't time; he was about, Conly stood on the south side of the door nearly in front, the door was opened about twa feet the recent him and before I got back he was deal; time he was not a word of anger between him and Faulkner's people after the woman came down stairs and spoke to him. Faulkner was not in was opened the stairs, and saw him. The door stairs and spoke to him. Faulkner was not in was opened this time nearly all it could be, my father was standing in the door way; Conly the lick which Conly gave to the door.

attention that night was Mr. Fardimer's little bay calling "old woman" twice, he meant Mrs. Bolan who owns the house, my mother in law, she lived in the south part of the house, right over Faulkner's cellar; I looked out of my window, and said "Billy, the old woman insn't in, I don't know where she is "The box was right by Mrs. Dolan's window on the gallery; I saw Con'y standing a little way from Faulk, ner's window with a stick in his hand, pointed

something. Cross examined-To get to my bedroom I so the whole width of the house and then up stairs. Didn't see Billy af er I told him about the old woman; don't remember whether I saw Quirk when I first saw Conly with the stick in his hand: I came down stairs because I was fright ened. I went to the corner of the house for some one to make them go away; when I last saw Conly, he was coming towards the stairs; they are in the middle of the bouse and Faulk-ner's door is close by almost under them.

Re-direct - I didn't see Paulkner or his family that evening; cannot say if I looked towards their door. heir door.

Re-cross-Think it was about 9 P. M.; day-

light was gone; it was a moonlight night. Wn. D. Musson - sworn. - Recallect this mon infantry one. Faulkner has been in jail since the murder. His conduct in jail was very quiet and inoffensive.

The State here rested, and the counsel for the defence called-L. A. DREW-SWOTH.-Have known Faulk-

ner several years; I kept a meat market near where he lives; never knew anything against him; his reputation has been good. Cross Examined .- Have seen him before the war, perhaps several times a day, at intervals. G. O Lewis, sworn-Knew Michael Couly in

the army. [Mr. Englesby objected to the admission of this wi'ness as to Conly's previous disposition admissible.]

I was sergeant and at Lie at of his company. He was quarelsome generally, especially if he had been drinking; would drink as often as he could get it. Knew Quirk; he and Conly were very intimate.

Cross examined-Conly was in the army with a ticks thrown against the door; heard no noise ne about two years and ten months; when not of wrangling; think it was about half past drink myself.

SCERATES BEACH, SWOTE.-Have known Faulkner 8 or 10 years; his reputation was that examination before Hollenbeck. Was sitting ev. J. French, Esq., for the defence, a of a very peaceable, quiet man.

examination before Hollenbeck. Was sitting ev. J. French, Esq., for the defence, a en with the sidewalk at Legan's grocery, four or to the Court (welve points, as follows:

got back from St. Albans; I got here the lit of August; think they had been here S or 10 days, perhaps less. This man was in the habit of WM. G. SHAW. drinking occasionally; when intoxicated he was

The Court here adjustmed till € P. M. MONDAY, April 16.

APPERNOON. The Court assembled at 2 P. M., and the muned for the defence called

JAMES PROTOBARD.—Mrs. Faulkner is mother; am 17 years old; was not at home when this transaction occurred; saw Mr. Faulkner between three or four P. M. that day gat home; we have lived in that place about 10 years: I saw Conly about a week previous at | Faulkner's good character in his regiment. . Faulkner's; my mother told him to go out? L. B. Englishy, State's Attorney, and
Wm. G. Shaw, Esq., appeared for the State.

difficulty between him and Conly pre lents as if a stick had hit it. Found on the floor next morning a little stick back part of the room, three or four feet long, perhaps an inch thick; a larger one, about four feet from the door, about four feet long; cannot say

everal persons; was told he had been shut | Cross exemined. This first termsion when I | Faulkner had received a severe blow and was than before / New through the body. Saind a wound above the saw Cinity was about a week previous. Confy untailines, a lattle to the left of the insulant line, had no words with Faulkner that day I saw was in his house and Confy at a desirable, not was no other door; and how long would a guishot wound; the ball had come out on the the steks the night of the marder, but disk't attacking the house at the time, the officer is you will after such a blow in the race a guishit wound; the ball had come out on the the sticks the night of the murder, but didn't artacking the house at the time, the efficients take much notice of them then. Think I testing the house at the time, the efficients take much notice of them then. Think I testing the house at the time, the efficients take much notice of them then. Think I testing the house at the time, the efficients would not pelling the house at the time. extered in front; the person was not dead at this Mr. French spoke to me about the sticks; can this affence to manulaughter mer die kuching of of social duties and bent the next day was not there when he deed; the him; have not talked to may one clear the half appeared to be straight think I testified before about the latch; saw it through the body; where the half appeared to be straight to be str through the body, where the ball came out was the next day after the aman, assume that it specifies to open the door and found the latch bent, it specifies to open the door and found the latch bent, it specifies the marks are specified to open the day before, noticed the marks. the man when shot must have been stooping, as there was nothing to change the course of the on the door next morning. The dent ever the tail; the same effect would have been produced that such violently to make so deep a mark. The above him, examined the spot on the door next morning. The dent ever the above him, examined the spot on the door next morning. The dent ever the fair; saw bind on a pile of the weak so deep a mark. The marks on the door heat mark on the door heat mark on the door next morning. The dent ever the fair, is a struck violently to make so deep a mark. The marks on the door heat morning that the weak position. Admitting that such a struck was position. Admitting that such as the series of the weak position, and therefore, could not have been in fair of the low of the weak position, and therefore, could not have been in fair of his life.

If the Court here remarked that such evolution is whether the respondent to the position. Admitting that such as the position. Admitting that such as the such as the weak you to charge the course of the weak points and the remarks of the weak position. Admitting that such as the position.

If the same effect would have been such you to charge the course of the weak points are the position. Admitting that such as the position of the such as the position of the such as the position. Admitting that such as the position of the such as the position and the such as the position of the p the gue was down the steps, the angle of sump of the man killed must have been greater than farty-five degrees. Conly appeared to possess more than ordinary. Conly together.

The gue was down the steps, the angle of sump whether I was at the juit on Saturday, the day of the man killed must have been greater than farty-five degrees. Conly Fankmer's house some; never saw him and Appeared to possess more than ordinary Conly together.

Mr. Shaw resumed.

swollen; also an abrasion on the right sole of the were in the house; my father was backeide the firehead; should think the two wounds of the house. This Conly began a kind of sing-were not made by the same blow; they appeared ling; the door was shut; he was rathing at the to be recent wounds; noticed that night that button of the door; did not hear my mother say Couly was somewhat under the inducence of anything. Couly was standing on one side and wanted to go in, and they wouldn't let him: father went down the step, and when the host was
shut Conly kicked it; father came and opened

Mr. Shaw here cited authorities to show

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Mr. Shaw here cited authorities to show

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man like in a little stick, three or four feet long, and an inch thick; father told him to go away again; Conly wanted to see a friend on Water street,
Bill Cane; he asked for him at Faulkner's door; "conly three a four foot stock at him and his him
Mrs. Faulkner told him to go home, she didn't
want him around; he told her to hush her mine;
W. Faulkner and hillered "cid woman." I went af into his be told away. Saw Bridget Dinnin above the gallery; she said to Conly, "go away, or I'll get somehody to make you get away;" he said the whole of Water screet couldn't put him away; I came down the stairs, went across the street for fear they might hit me, after he threw the last stick. had no words. He had nothing in his band at the time. Couly and I were going away, and had got out to the centre of the road, when a willian came out above us on a kind of balcopy and teld Couly to go away; it was not exactly over the door; she told Couly she'd get some one to fout him if he didn't a away is the non-one to fout him if he didn't a away is the non-fither after the told Couly she'd get some one to fout him if he didn't a away is the non-fither after the host of the couly had. I saw my fother after the shot was fired, his eye was blacked and blood was running down his face: down the steps and went up north; Conly followed and said she couldn't get a party able to teat him; he came back and shood is front of faulkner's door, about two yards, looking up at the woman; she went up the stairs again and disappeared from my sight. We remained two or three minutes before Faulkner's door spened.

ner's window with a stick in his hand, pointed towards the window; a stick about two feet long with some spronts on it; I went back, staid a little while, went down stairs, opened the door on the window. while, went down stairs, opened the door on the gallery and saw Conly and the man with him when I heard them. They asked for Curly near the telegraph pole, perhaps three or four Kelly; mother said he wasn't there, and they near the telegraph pole, perhaps three or four yards from Faulkner's door a little way east of it; I said to them to go away or I would have some one to make them; they muttered something I couldn't say what; I went down stairs; saw no one around, came back up the stairs, that my door, went up the stairs to my bedroom, and had just got there when I heard the gun go off; my bedroom is on the front side up in the second story; when I went up stairs Quirk was standing by the telegraph pole, and Coniy was coming over towards me; he was muttering something.

Kelly; mother said he wasn't there, and they might go away; that was belove I locked the door; I heard my father coming round to come and had reason to fear, therefore. I shall leave the matter in you, in justice, tempered with the was kicked again; he opened it again and a stick was kicked again; he opened it again and a stick was thrown in; it didn't hit anybody.

The next time he went out a big stick was thrown in; it didn't hit anybody.

The next time he went out a big stick was thrown in; it didn't hit anybody.

The next time he went out a big stick was thrown in; it didn't hit anybody.

The next time he went out a big stick was thrown in; it didn't hit anybody.

Mr. Ballard, for the defence, and he disposition can have no bearing, unless it he shown that door; I heard my fall have on bearing, unless it he shown that have no bearing, unless it he shown t them if they did't go away he would shoot one of them. Conly said, "come out;" father said he soon would go out; I was behind my mother when the gun was fired. Father's gun was kept in the corner behind the stove; didn't see bim load it that night. It was ten or five minutes between the throwing of the sticks.

J. FRENCH, sworn-I made examination of the premises after the homicide. Had difficulty in opening the door; found that the latch was bent considerably; saw a mark on the casing of the door and one or two on the door; estimated the length of the room at 18 or 20 feet; the stove stood at the end, four or five feet from it; noticed homicide; was there ten or fifteen minutes after; a pine stick in the room, 3 or 4 feet long and 3 or four inches thick, and another smaller at the farther end of the room; was counsel for Faulkabout three feet long; should not think it was a smooth stick; saw no other stick; looked throthe room Faulkner occupied; there was a gun nehund the door.

JAMIS WALL .- When the gun was fired I was at Logan's, just above the bakery, about five rods from the corner, across the street from Faulkner's; saw Conly and Quirk about fifteen raukners; saw cony and correct by where or twenty minutes before; they passed by where twent setting; went north; were gone about fifteen minutes; came back and went across the and character. The Court decided that it was street towards Faulkner's; it was quite dark;

Saw no sticks thrown; heard no noise as of

me about two years and ten months; when not in liquor, he was generally quiet. If there was a row among any of them, he was usually in it. The men were not often sober, they got liquor often, when officers couldn't. Did not often woman, Mr. Faulkner's wife. Did not see any woman before the shot was fired. Cross Examined. Was not a witness at the

J. H. Harstron, sworn.—Was Major in the five rods off. A man and a woman were sitting list Vt. Carairy, formerly Captain of Co. M. with me. I was talking with them. Nothing Knew a man named John Conly; he was a called my attention across the street. Heard no called the that Mrs. Dissip and Diship no. remark like that Mrs. Dinnin said. Didn't noconsequence.—Don't know when that Co.

Cross-examined.—Don't know when that Co.

> WM. G. SHAW-swirn -Took minutes and testimony at the examination before Justice Hol-

Rends minutes of Billy Faultner's testi-

The court then adjourned till V A. M. on Tuesday.

Tempar, April 1s.

Court opened at 0 o'clock. The counsel for the defence called ne wit-

nesses Harace Emerson, Hiram Bacon and John L. Barstow, who severally testiful to J. PRESCH, recalled, and testified to the meas-

urement of distances from Faulkner's dier to Beach's bakery, Legan's, Ac. He also blinds. fiel's large, round stock, of cord wood appor-ently, as the one found on the floor of Fauliner's room after the shooting.

MIL SHAW'S ABGUNDENT W. G. Sixw Esq. organi the case for the

State as follows ::

We request your honor to charge that in tilling by a deadly weepen makes after asterind Ciniv's neutron as empty familiating it implied, and makes being allows the ne way to be excused except by the ples hat blood must be proven under provocation, as fundance or standing from of a recent blow. If in this case the gun was . The question of afforester is import injury and as the only means of escape the home-scale may be justifiable. This offence can only this non-later Lacigne should be reduced to matelaughter by proof that

the dior; the man's death was caused by this | was on one of the panels; saw up split in the | was admissible as showing who begin the affiny | ound be received.

Commencement of the man who first the juil that I was on the marks; don't remember and the spirit in which it was carried en and the

Gentlemen of the Jury, this is a different rise sterilist arreading to the facts and if from the last one. There is no question here the community will be exactly satisfied

what is necessary to constitute a successful in this community and you should be by your plen of self-defence. He must have exhause. lands or buildings does not justily the taking of life, nor a rushing up with sticks when the re-pandent was safe to his own batter.

Mr. Shaw went on to recount the evidence tending to show that there was nothing in Conly's conduct to justify the taking of his life. Our theory is that the whole affair was a no mose till just better the shot was fired. defence claim noise confusion, throwing of stoll-singing, threats, angry words &c.

Wall swears it was only ten or fifteen minutes after the men passed till the gun was fired. Mrs. Dinnin swears the streets were unusual.

night could have seen anything further? He have happened, the others had started on the power in the property of the others and started on the power in the property of the other and the property of the prop There is no proof that Couly threw the piece of plank, the boy could not have seen him raise it to throw even; the little stick was not found till

He could have remained in his house, it was not necessary for him to go out and attack Conly. No such practice can be allowed to be justifia-Evidence as to character is of little worth as compared with that of witnesses on the spot. Conly might have been quarrelsome but didn't show much of it here, and his disposition can

Justifiable homicide is our theory of this case, and we ask your honors to charge that homi-cide is justified to save one's life or prevent the suffering of great bodily harm, or for protection | and sofficient reason for such belief, the case

Gentlemen of the Jury, if the evidence shows anything, it shows that the one fault of this respondent's life, if a fault at all, was the killing of this man Conly. The good character of Faulkner is holdly shown, both before and after he entered the army. The State shows nothing to the contrary. The testimony shows Conly to have been a quarrelsome, fighting man, often drunk and then always belligerent. Learning this, you would, in such a case, look for acts of provocation from him. provocation from him.

Reads from notes of Quirk's testimony. Faulkner and her little girl were frightened by Cross Examined.—Went down there also on cause they knew what sort of a man Conly was saturday. Mr. Ballard went with me among Saturday. Mr. Ballard went with me among others.

Mr. French here asked that the trial be postponed until the arrival of other witness postponed until the arrival of other witness that the attack on the door was proved; that the attack on the door was proved; that ses, who were on the way, and the court de-cided to allow it. The State's Attorney then with reason; that Conly was in vam ordered and

begged to go away, and that Faulkner could have done no less than he did, in self-defence. He read from Blackstone on self-defence, and

erred that Faulkner's life was lawfully taken that the safety of the community demanded that ruffigns should know that if they made attack risk of their lives.

teen minutes; came back and went across the street towards Faulkner's; it was quite dark; could see the stairway.

Mr. French objected to the testimony as out of time; the court, however, allowed to the jury of the jury.

This is not marder; never was marder and a test when the marders were any dealer and their lives.

It is all the ward any dealer and their lives.

It is all the prisoner is called the their lives.

It is all their li

ted when the murderer waited, for his vict m canattack thus upon hungit is not manslanter, but homeide, and that as instifable as such act over could be. Consider theref gentlemen of the jury, this case carefully man. All that I ask for him is that convtion which his case deserves; and let your dict be notwriting to your states.

J. Fremily, Esq., for the defence, value on)

The respondent requests the Court in Court L. That is order to constitute the net

ing in this case marder, the jury most 6nd in it was slow with deliberate, premediated on

II. That it was done with a firmed design aking the life of the decreased and withou

III. That it was done withilly and with

IV. That whether or not the set of killing this case was committed with malice of certifing.

is a question of fact for the jury to be determined from all the evidence in this case. V. That if the jury tail, that the respond without a previous intent or intentional prodien to kul Conly was attacked by the Conly, and thereupon the respondent in the leaf passion, took his gan, and above Conly, a jury should not convert the responden-

The notational points, seven in number, so mitted by Mr. French, we are valled, for a co of space, to court. Mr. Francis further our

this man is not guilty of anything. He not bod like a murderer, he has been p to be a perceptle, soher and quiet unit, to

It is for you to say, on solving Conly's co. to, whether Fauliers of anything wrang

After making a few points to be laid by the law presumes making in killing with shally were judge believe the jury. Mn. Excitence, for the

and made no special disturbance. A blow-the door from such a log as to produced would have broken it in; nor could it have failed a the after was so long and not have come oblight. It the after was so long and noty us the children testify.

If then Quirk's surp is true, you must find this man guitty of muster; the only set of agreement by Couly, the kick upon the house the not justify it. Can it be believed that the little and there is nothing to show but that his best in the interview that night at his best parties.

the jury that to convict of murder they mu-The door door; if there were any such they must have the law calls such an not murder. It the law may been heard. The latch may well have been defendant claims to justify his act, and it stairs and spake to him. Faulkner was not in my regiment; I was in town that day with my regiment; I was in town that day with my father was standing in the door way; Cenly three this time nearly all it could be, my father was standing in the door way; Cenly three this time nearly all it could be, my father was standing in the door way; Cenly three this time nearly all it could be, my father was standing in the door way; Cenly three this time to go it strike him; Conly was an injury which didn't prevent the shutting and locking of the door that night. The only way you can reduce this effence to such as an injury which didn't prevent the shutting and locking of the door that night. The only way you can reduce this effence to such as such as shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury which didn't prevent the shutting and locking of the door. The next night was an injury w Berroar Dixnix, sworn.—Lived last August in the same house with Mr. Faulkner, in the north part, up stairs. The first that drew my attention that roats was the process of the same house with Mr. Faulkner, in the lattle before Confr. was shot; saw the piece of plank in his hands, a great state of the same house with Mr. Faulkner, in the little before Confr. was shot; saw the plank raised when the rearrant when the rearrant when the raised was thrown only just as the raised when the raised was thrown only just as the raised when the raised was thrown only just as the raised was thrown that raised was thrown the little before Conly was shot; saw the plank raised when the gan was fred then be dropped it; dadn't hear father speak after the big stick was thrown and the door shot. No one was within sight at the time.

The moon was up when I went across the road; the moon was up when I went across the road; the cone kick. Was his life in danger? dat ty to make out maker the sum and intention necessary. act may be diverted of that degree of intent necessary to constitute it murder.

> circomstances justified the net; that question is for you to decide. If you are salefied that the act was not murder your vertice should be guilty of manshaughter; if you are not satisfied that the act was even mentfore. I shall leave the matter in your hands, are not satisfied that the act was even men-confident that you, in justice, tempered with slaughter, your verdet should be not that mercy due in every case, will bring in such guilty.

The Judge then charged the jury lo accordance with the 6th of Mr. French's points, saying. This proposition is sound : every man has a right to defend and protect himself, and to prevent an act which he be-lieves is intended to do him great bodily harm. He is not obliged to wait till the blow is struck. As to what constitutes good of one's family or property from felony; that the respondent must be judge of the necessities remember that no time is allowed for careful the case; that in a man's own premises he ful deliberation, the man has to strike quick. or four times: didn't hear any words; was across the room. The gun was fired a good while after the throwing of the big stick. Heard no noise after the atick was thrown. Didn't see Conly and didn't know who threw the sticks.

I Research of the door was opened three is not obliged to flee or retrent, but has a right at all. And the same right exists to protect himself; the same right also to defend he house, even to the taking of life if it is assuiled with intent to break in and our premises he full deliberation, the man has to strike quick.

Mr. Ballard here cited authorities upon these points.

Gentlemen of the Jave 16 the same right also to defend he house, even to the taking of life if it is assuiled with intent to break in and our premises he full deliberation, the man has to strike quick. ace shows to him or to rob. His house is his castle, alt of this and he has a right to defend it from outside to center, he need not retreat from the threshhold.

The character of the assailant may be considered by you, if you find that the defendant knew what that character was; for it might be an important fact as influencing his acts, what he had reason to expect, from the character of the assailant, he would do. No one can but be so influenced, it is human Mr. Ballard proceeded to investigate Quirk's

No one can but be so influenced, it is human testimony at length, showing that even he testified that he and Conly were there at Faulkner's that character, it can have no weight, for without any right, and ordered off; that Mrs.